



Psychiatrist wins injunction to stop disciplinary proceedings against her

Clare Dyer

The BMJ

A consultant psychiatrist has won a High Court interim injunction stopping her employers going ahead this month with disciplinary proceedings that could result in her summary dismissal.¹

Caroline Ardron has launched a High Court action claiming that the gross misconduct proceedings are a breach of her employment contract with Sussex Partnership NHS Foundation Trust.

Pushpinder Saini QC, sitting as a deputy High Court judge, halted the disciplinary proceedings pending an expedited trial of her breach of contract claim against Sussex Partnership NHS Foundation Trust. She claims that the findings of facts and evidence against her, even taken at their highest, cannot support an allegation of gross misconduct.

Ardron, a consultant forensic psychiatrist with the trust since 2010, was involved in the care of a 19 year old prisoner, Jamie Osbourne, who killed himself at Lewes prison in February 2016. A report by the prisons inspectorate, which had visited two months previously, raised concerns that lack of staff meant prisoners were missing medical appointments because there was no one to take them.

Osbourne had previously attempted suicide and Ardron had applied for his transfer to an NHS psychiatric facility. On several occasions she saw him in his cell because there were not enough prison officers available for him to be examined in a conventional way.

She continued to follow up his referral and transfer and his case was also reviewed by other psychiatrists who sought his transfer

to a low secure unit. He was placed on a waiting list but, because there were no beds available, Ardron started to liaise about a private placement.

She went on leave on 9 February 2016 and on 12 February Osbourne was found dead in his cell, having hanged himself.

The trust started an investigation and Ardron was told that her conduct fell short of good practice in a number of areas, capable of amounting to gross misconduct justifying summary dismissal.

To win the High Court injunction, her lawyers had to show that there was a serious problem to be tried as to whether the allegations could amount to gross misconduct. Saini concluded, "It is in my view clearly arguable to the level of reasonable prospect of success (and I put it no higher) that behaviour or conduct which on its face might not (even when assessed cumulatively) amount to gross misconduct or gross negligence appears to be the basis of the charges."

He noted that Ardron still worked for the trust and had not been suspended and until the disciplinary proceedings were started she had an unblemished record with the trust. "She also has an unblemished record with the General Medical Council and the evidence before me indicates she has enjoyed, and continues to enjoy, substantial respect and trust amongst her fellow professionals," he added.

1 Dr CJA. v Sussex Partnership NHS Foundation Trust. 2018. www.baillii.org/ew/cases/EWHC/QB/2018/1535.html.

Published by the BMJ Publishing Group Limited. For permission to use (where not already granted under a licence) please go to <http://group.bmj.com/group/rights-licensing/permissions>